

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 36

Introduced by Schrock, 38

Read first time January 9, 2003

Committee: Judiciary

A BILL

1 FOR AN ACT relating to crimes and offenses; to amend section
2 28-913, Reissue Revised Statutes of Nebraska; to create
3 the offense of introducing contraband into a detention
4 facility; to change provisions relating to implements of
5 escape; to define a term; to provide penalties; and to
6 repeal the original section.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 28-913, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 28-913. (1) A person commits ~~an~~ the offense of
4 introducing contraband if he or she unlawfully introduces within a
5 detention facility, or unlawfully provides an inmate with, any
6 ~~weapon, tool, or other thing which may be useful for escape~~
7 contraband. An inmate commits ~~an~~ the offense of introducing
8 contraband if he or she unlawfully procures, makes, or otherwise
9 provides himself or herself with, or has in his or her possession,
10 any ~~such implement of escape~~ contraband. Unlawfully means
11 surreptitiously or contrary to law, regulation, or order of the
12 detaining authority.

13 (2)(a) Introducing escape implements is a Class I
14 ~~misdemeanor~~ contraband is a Class II misdemeanor except as
15 otherwise provided in this subsection.

16 (b) Introducing contraband listed in subdivision (3)(a),
17 (b), (c), (j), (k), (l), or (m) of this section or any item
18 providing the means of assembling, manufacturing, or using an item
19 listed in such subdivisions is a Class I misdemeanor except as
20 otherwise provided in subdivision (c) of this subsection; and

21 (c) Introducing contraband listed in subdivision (3)(d),
22 (e), or (f) of this section or any item providing the means of
23 assembling, manufacturing, or using an item listed in such
24 subdivisions is a Class IV felony.

25 (3) For purposes of this section, contraband includes,
26 but is not limited to, the following:

27 (a) An item to be used as an implement for escape;

28 (b) Tobacco product;

- 1 (c) Alcohol product;
2 (d) Weapon;
3 (e) Poison;
4 (f) Explosive;
5 (g) Implement for disguise;
6 (h) Food;
7 (i) Clothing;
8 (j) Drug of any kind or nature, including a nasal inhaler
9 or nicotine patch;
10 (k) Written or recorded communication;
11 (l) Communication device;
12 (m) Currency, check, or money order;
13 (n) Postage stamp;
14 (o) Obscene or pornographic material;
15 (p) Counterfeit material or material for counterfeiting;
16 (q) Combustible item;
17 (r) Chain, rope, or ladder; or
18 (s) An item providing the means of assembling,
19 manufacturing, or using any of the items listed in subdivisions
20 (3)(a) through (r) of this section.

21 Sec. 2. Original section 28-913, Reissue Revised
22 Statutes of Nebraska, is repealed.